

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRIAN BRANCH, as Guardian Ad Litem for
CYNTHIA N., CHARLES N., and CHRISTINA N.,
minor children, and KEVIN MARTINEZ, as Guardian
Ad Litem for JAMES R., DIANA R., and MICHAEL R.,
minor children,

Plaintiffs,

vs.

Civ. No. 01-922 MV/WWD ACE

FARMERS INSURANCE COMPANY OF ARIZONA,

Defendant.

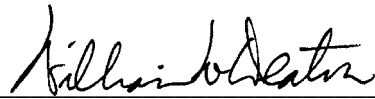
MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte*. On June 17, 2002, I entered a Memorandum Opinion and Order permitting Defendant to file a Rule 11 motion out of time. The Order was entered without any consideration of the Rule 11 motion itself, and it was granted to relieve Defendant from its failure to reconcile time constraints under Rule 11 and under certain orders of the Court. The dilemma in which Defendant found itself was entirely of its own making; however, assuming that the Defendant was acting in good faith, I chose to grant relief. I now perceive that my assumption concerning the Rule 11 motion was incorrect. I am sensitive to the Emergency General Order of the Court of Appeals for the Tenth Circuit and its reference to the “confidentiality requirements of Tenth Circuit Rule 33.1(D)”. I do not read that rule or the Emergency General Order referring to it as barring remedial action for misconduct in a settlement conference.

WHEREFORE,

IT IS ORDERED that the Memorandum Opinion and Order (Docket #124) entered June 17, 2002, is **VACATED and SET ASIDE.**

IT IS FURTHER ORDERED that the Motion for Rule 11 Sanction (Docket #126) as well as the accompanying Declaration (Docket #128) and the Memorandum in support of the Rule 11 Motion (Docket #127) be, and they are hereby, **STRICKEN.**

A handwritten signature in black ink, appearing to read "William B. Deaton", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE